REMARKS/ARGUMENTS

In the Office Action of September 4, 2008, the Office set forth the following rejections:

a) Claims 1-14, 17-23, 26-28, 30-39 and 41-51 under 35 USC §102(b) as being anticipated by U.S. 6,389,467 to Eyal (referred to as the Eyal reference); and

(b) Claims 15, 16, 24, 25, 29 and 40 under 35 USC §103(a) as being unpatentable over the Eyal reference in view of U.S. 2003/0236906 to Klemets et al. (referred to as the Klemets reference).

Examiner Interview of November 5, 2008

An interview was held on November 5, 2008 with Examiners Jakovac and Swearingen. Applicant sincerely appreciates the Office's time in this matter. During the interview, Applicant discussed how a "media source object" can be a component in a media pipeline, for example, as part of a multimedia framework of an operating system.

Instant Application: Media Source Object for a Media Processing Pipeline

The Instant Application is entitled "System and Method for Accessing Multimedia Content". Specifically, access to content occurs through use of a source object in a object-based media processing pipeline (see, e.g., Fig. 2).

As discussed during the interview, a media source object may be selected via a path that does not include a byte stream object or via a path that includes a byte stream object. The former is referred to as a media source object path and the latter as a byte-source object/media source object path.

In various examples, a source resolver relies on one or more helper objects to ultimately select a media source object (see, e.g., media source object 222 and handlers 215 and 217 of module 214 of Fig. 2). The media source object can be provided to an application (e.g., an application in a control layer) and form part of a component object-based media pipeline (see, e.g., pipeline 220 of Fig. 2). In various

examples, a pipeline includes a media source object and a media sink object (see, e.g., media source object 222 and media sinks 228). A media source object may access media content and generate media data for processing in a pipeline. A media sink object may assist in rendering or archiving media content. Some examples are described at paragraph [0036] of the Instant Application:

> In general, media sinks are responsible for sending the (possibly transformed) multimedia data to wherever or whatever is specified by media application 204 in the media content destination 208. For example, in a playback application, the destination may indicate a window, and the media sinks would be audio and video renderers that send the multimedia data to devices; in an encoding application, the destination may indicate a file to which the encoded bits are to be archived, and the media sinks would be responsible for arranging these bits in the appropriate format and writing to the file, etc.

Instant Application at ¶[0036].

Eyal Reference: Backend Tier Database w/Table of URLs and Data Type ("DT")
Summary

Applicant submits that the Eyal reference is about a search and retrieval architecture and system. It does not address "playback" other than indicating that a data type ("DT") associated with a URL may be used with a compatible playback component (a commercially available playback component per col. 11, lines 1-2: "Real Network Player^{TM}, Apple Quicktime Player^{TM}, and Microsoft Windows Media Player^{TM}").

As discussed below, Applicant submits that the Eyal reference fails to provide evidence as to selection of an object for use in an object-based pipeline for rendering or archiving media content. In other words, use of a commercially available "playback component" (e.g., a commercially available player) based on a data type in a table is different than selection of a media source object for use in an object-based pipeline.

Prior Response

As stated in the prior response (Response of July 7, 2008), based on a review of the evidence in the Eyal reference: "it appears that the system of the Eyal reference relies merely on storage of data type with a link in a database and, for protocols, on replacing a string portion as to protocol type (e.g., "PNM")". Applicant respectfully directs the Office to the prior response for further details as to this finding (citing col. 21, lines 35-46 of the Eyal reference).

Additional Findings: Database/Table in Context of Principle of Operation

The Abstract of the Eyal reference states:

> A network enabled device receives search criteria and accesses a memory that includes a plurality of network addresses. The memory associates each address with one or more classes of information. Each address in the memory locates a media network resource. A plurality of the addresses are selected using the search criteria. The selected addresses are signaled to the network enabled device. A media playback component on the network enabled device sequentially plays back the media resources provided by at least some of the selected addresses automatically.

Figs. 2 and 4 of the Eyal reference show an "Internet Enabled Multimedia Computing Platform" 210 (IEMCP). In Fig. 4, the IEMCP 210 sends a search request 203 to a "Web Server Module" 270, which, in turn, accesses "Media & Metadata" 247 that simply has a table 249 that associates URLs with data type ("DT"). The overall process for is explained at col. 19, lines 30-54 where the table 249 "includes a URL list comprising a plurality of URLs" where "[e]ach URL is characterized by one or more parameters that correspond to metadata information about the web resource associated with the URL". Applicant respectfully notes that the URL associated metadata 247 (i.e., in the "Media Sites Table") of Figs. 2 and 4 are stored in the "Back-end Database Management System Module" 245.

As to the principle of operation of the system of the Eyal reference, Fig. 3 shows various components organized in a front tier, a middle tier and a backend tier. At col.

16, line 55 to col. 18, line 8, the Eyal reference describes the three tiers. This three tier model relies on the backend tier's database management system 245, which includes a database 345 and a backend interface module 355. Applicant notes that the table explicitly shown as 247 in Fig. 4 corresponds to the table 247 of Fig. 2 and would be logically stored in the database 345 of Fig. 3.

In reviewing Figs. 2, 3 and 4 of the Eyal reference, Applicant fails to find evidence of selecting a media source object for use in an object-based pipeline. Instead, Applicant finds a table stored in a backend tier database where the table includes URLs associated with data type ("DT") and where playback occurs using a playback component 211 suited to the data type.

With respect to objects, at col. 17, lines 62-64 the Eyal reference states: "The component and all tiers expose programmatic interfaces that contain callable methods using the MS DCOM (distributed component object model) software component technology". However, Applicant finds no evidence of a media source object configured to generate data in an object-based pipeline that can render or archive media content.

Again, Applicant concludes that the Eyal reference merely describes a search mechanism that returns media URLs from a table in a remote database. Metadata indicating data type ("DT") do not cause or otherwise lead to selection of a media source object for use in a object-based pipeline.

Applicant further submits that the "playback component" 211 (*NB*: sometimes 1710) is described as being a commercially available media playback component (see col. 11, lines 1-2: "Real Network Player™, Apple Quicktime Player™, and Microsoft Windows Media Player™"). At col. 32, lines 51-67, the Eyal reference describes the playback component as residing on a user terminal 1710: "Once loaded, the media resources are played back by a media playback component on user terminal 1710"; and "The URLs are selected for media playback so as to output media from user terminal 1710 according to a predetermined program". Regarding the latter, "the program is selected or defined from a search request of user" (col. 33, lines 1-8).

<u>*Amendments to the Claims*</u>

Providing Media Source Object to Application

Applicant currently amends independent claims 1 and 43 to recite providing a media source object to an application. Claim 1 recites "receiving a uniform resource locator (URL) as associated with one of a plurality of applications requesting media content". The various actions recited in claim 1 allow an application to handle (e.g., cause rendering or archiving) the requested media content via a media source object.

Media Source Object for Object-based Pipeline

<u>Independent claim 1</u> is currently amended such that the media source object is configured "*for generating media data in a component object-based pipeline that allows for rendering or archiving the media content*". Applicant notes that original dependent claims 48, 49 and 50 recited a pipeline.

<u>Independent claim 17</u> is currently amended to recite a media source object "*operable to generate data in a component object-based pipeline to allow for rendering or archiving the media content*".

<u>Independent claim 35</u> is currently amended to recite that a media source object "*generates data in a component object-based pipeline of the multimedia framework to allow for rendering or archiving the media content*".

<u>Independent claim 43</u> is currently amended to recite that the media source object is "*operable to generate data in a component object-based pipeline to allow for rendering or archiving the media content*".

<u>New Independent claim 52</u> is presented and recites, in part, "*providing the selected media source object to the one of the plurality of applications executing on the operating system of the computing device to thereby allow for a object-based media pipeline that comprises the media source object configured to generate media data and a media sink object configured to render or archive the media content*".

Rejections under §102

As currently amended, claim 1 recites:

A method implemented in a component object-based multimedia framework for an operating system executing on a computing device, the method comprising:

receiving a uniform resource locator (URL) as associated with one of a plurality of applications requesting media content;

identifying a scheme associated with the URL;

selecting a first object operable to handle the identified scheme associated with the URL to access parameter data from a location specified by the URL;

based on the accessed parameter data, selecting a second object operable to read media content of a given type from the location specified by the URL wherein the second object comprises a media source object or a byte stream object;

where if the second object comprises a media source object, providing the media source object to the one of the plurality of applications for generating media data in a component object-based pipeline that allows for rendering or archiving the media content; and

where if the second object comprises a byte stream object, selecting a media source object based in part on the byte stream object and providing the selected media source object to the one of the plurality of applications for generating media data in a component object-based pipeline that allows for rendering or archiving the media content.

As currently amended, independent claim 1 recites a method (a) implemented in a component object-based multimedia framework that can (b) provide a media source object to an application for (c) use in a pipeline that provides for rendering or archiving media content.

Applicant submits that the Eyal reference does not provide evidence sufficient to disclose the subject matter of claim 1. As explained above, Applicant concludes that the Eyal reference merely describes a search mechanism that returns media URLs from a table in a remote database. Metadata indicating data type ("DT") do not cause or otherwise lead to selection of a media source object for use in a object-based pipeline.

Independent claims 17, 35, 43 and 52

Above, Applicant pointed to subject matter of these claims including a media source object and a pipeline that allows for rendering or archiving media content. Applicant submits that the Eyal reference does not provide evidence sufficient to disclose such subject matter.

Dependent claims 2-3, 7-14, 18-23, 26-28, 30-34, 36-39, 41-42 and 44-51

As these claims depend on a respective one of independent claims 1, 17, 35 and 43, Applicant submits that they are not anticipated by the Eyal reference for at least the foregoing reasons. Applicant notes that claims 4, 5 and 6 are canceled.

Rejections under §103

The Office rejected claims 15, 16, 24, 25, 29 and 40 under 35 USC §103(a) as being unpatentable over the Eyal reference in view of the Klemets reference.

Per MPEP §2143: "The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." "The rationale to support a conclusion that the claim would have been obvious is that 'a person of ordinary skill in the art would have been motivated to combine the prior art to achieve the claimed invention and that there would have been a reasonable expectation of success'." "If any of these findings cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art."

Per MPEP §2143.01: "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious".

Per MPEP §2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art." "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious."

Above, Applicant provided evidence and argument as to the system of the Eyal reference, which relies on a search mechanism that returns media URLs from a table in a remote database, which can include metadata indicating data type ("DT"). The principle of operation of the system of the Eyal reference associates a commercially available media player with a data type. Specifically, the "playback component" 211 (*NB*: sometimes 1710) is described as being a commercially available media playback component (see col. 11, lines 1-2: "Real Network Player^{TM}, Apple Quicktime Player^{TM}, and Microsoft Windows Media Player^{TM}").

Applicant submits that all pending claims are patentable over the Eyal reference in view of the Klemets reference because Applicant finds insufficient evidence to teach or suggest providing a media source object operable in an object-based pipeline. In other words, Applicant contends that one of ordinary skill in the art would not be motivated to modify the system of the Eyal reference to meet the claimed subject matter because there is no evidence of (i) a media source object and (ii) an object-based pipeline that relies on the media source object to generate data.

Further, Applicant submits that if one carried out such a modification, the principle of operation would be changed. Per MPEP §2143.01: "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious".

Conclusion

Applicant submits that, for at least the reasons above, claims 1-3, 7-14, 17-23, 26-28, 30-39 and 41-52 patentable over the cited references. Applicants therefore respectfully request the Examiner's reconsideration and withdrawal of the rejections as to the pending claims and an indication of the allowability of same.

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

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